

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MASSACHUSETTS

Civil Action No.: 04-30054-MAP

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

DEBORAH ST. PETER and)
MATTHEW BOGACZ,)
Plaintiffs)
v.)
TOWN OF AGAWAM, TOWN OF)
AGAWAM POLICE DEPT.,)
AGAWAM POLICE CHIEF)
ROBERT CAMPBELL)
ANTHONY GRASSO, JAMES)
WHEELER, RICHARD NILES,)
KEITH BOPKO, JOHN MOCCIO,)
OFFICER MCGOVERN)
Defendants)

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
PROTECTIVE ORDER**

Now come the Plaintiffs in the above-entitled matter and hereby oppose the Defendants' Motion for Protective Order.


As grounds therefor, the Plaintiffs assert that their position is set forth in correspondence dated November 28, 2005, from attorney, Dawn D. McDonald, to attorney, Jeffrey L. McCormick, which is attached to the Defendants' Motion for Protective Order, as an Exhibit.

The Plaintiffs further state that Plaintiffs' counsel has been more than cooperative in working with the defense counsel in this matter to resolve any discovery disputes and/or scheduling issues. As the Court is well aware, the current deadlines set forth by the Court have been extended at least three (3) times for various reasons. The most recent extension was requested because the parties had scheduled a mediation for November 21, 2005. That effort, being unsuccessful, the Plaintiffs would like to move the litigation forward to conclusion as quickly as possible and are no longer willing to agree to, assent to, or accommodate to any further scheduling problems of defense counsel.

While the Plaintiffs appreciate and sympathize with the very busy schedule of Attorney McCormick, he has been extremely busy and scheduled for multiple trials virtually every month since the beginning of this litigation and, apparently, will continue to be just as busy into the future. Attached hereto are prior motions filed by counsel citing to his busy schedule as grounds for seeking extensions in the past. The Plaintiffs are unwilling to put this litigation on hold any longer, hoping that Attorney McCormick will have some time in the future when he is in between trials. The Plaintiffs respectfully suggest that another attorney from defense counsel's firm provide coverage for Attorney McCormick.¹ Plaintiffs are also willing to reschedule for other available dates in December, if necessary.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court deny the Defendants' Motion for Protective Order. The Plaintiffs do not wish to be heard on this matter unless the Court deems it necessary.

The Plaintiffs,
Deborah St. Peter & Matthew Bogacz

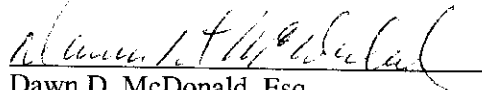
By: 
Dawn D. McDonald
BBO# 647256
Cooley, Shrair P.C.
1380 Main Street
Springfield, MA 01103
(413) 781-0750; (413) 733-3042 (f)

CERTIFICATE OF SERVICE

I, Dawn D. McDonald, do hereby certify that I made service of the foregoing document on this 6th day of December, 2005, by ~~first class mail, postage prepaid~~, to: Jeffrey L. McCormick, Esq., Robinson, Donovan P.C., 500 Main Street, P. O. Box 15609, Springfield, MA 01115

hand delivered

87007


Dawn D. McDonald, Esq.

¹ Attorney Varon of Robinson, Donovan, also has an appearance in this case.